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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

RONALDO MEDRANO AYALA,

Petitioner,

vs.

KEVIN CHAPPELL, Warden of
California State Prison at San
Quentin,

Respondent.

CASE NO. 01cv0741 BTM (MDD)
DEATH PENALTY CASE

**ORDER ON AYALA'S NOTICE
RE: REMOVAL OF CLAIM 29**

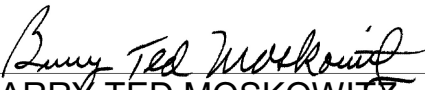
On November 4, 2013, Petitioner filed a Notice Re: the Inadvertent Removal of Claim 29. In the Notice, Petitioner explains that a miscommunication between Petitioner and counsel resulted in the inadvertent removal of Claim 29 from the federal Petition and states that he only intended to remove Claim 28. The docket reflects that counsel orally requested the removal of both Claims 28 and 29 at a April 27, 2006 hearing and later repeated that same request in writing. (See Doc. No. 205.) In an order filed on June 9, 2006, the Court granted the request to withdraw both Claims 28 and 29. (Doc. No. 206.)

In any event, the Court issued a Final Order denying the Petition on March 28, 2013. (Doc. No. 465.) On April 23, 2013, Petitioner filed a notice of appeal. (Doc.

1 No. 469.) As such, the Court has no jurisdiction to proceed at this time. See Natural
2 Resources Defense Counsel, Inc. v. Southwest Marine, Inc., 242 F.3d 1163, 1166 (9th
3 Cir. 2001) (“Once a notice of appeal is filed, the district court is divested of jurisdiction
4 over matters being appealed.”)

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6 **IT IS SO ORDERED.**

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8 DATED: November 7, 2013

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10 BARRY TED MOSKOWITZ
11 Chief Judge
12 United States District Court
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